

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FRESHUB, INC., a Delaware Corporation,
and FRESHUB, LTD., an Israeli Limited
Liability Company, §
Plaintiffs, §
vs. §
AMAZON.COM INC., a Delaware
Corporation, AMAZON.COM SERVICES,
LLC, a Delaware Limited Liability Company,
PRIME NOW, LLC, a Delaware Limited
Liability Company WHOLE FOODS
MARKET SERVICES, INC., a Texas
Corporation, §
Defendants. §

ORDER MODIFYING SCHEDULING ORDER

Having reviewed the parties' Joint Motion to modify the Order Modifying Schedule Order entered in this action on December 29, 2020 (Dkt. No. 86, "Modified Scheduling Order"), and for good cause shown, the Motion is hereby GRANTED and it is ORDERED that the Modified Scheduling Order is amended as follows:

Item	Current Deadlines Pursuant to Modified Scheduling Order	Parties' Agreed Deadline
Close of fact discovery	1/29/21	1/29/21 (unchanged)
Opening expert report	2/5/21	2/10/21

Rebuttal Expert Reports	3/5/21	3/5/21 (unchanged)
Close of Expert Discovery	3/19/21	3/19/21 (unchanged)
Deadline to meet and confer to discuss narrowing the number of claims asserted and prior art references at issue. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.	3/23/21	3/23/21 (unchanged)
Dispositive motion deadline and <i>Daubert</i> motion deadline. [40 weeks after <i>Markman</i>]	3/26/21	3/26/21 (unchanged)
Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, designations) [42 weeks after <i>Markman</i>]	4/9/21	4/9/21 (unchanged)
Serve objections to pretrial disclosures/rebuttal disclosures [44 weeks after <i>Markman</i>]	4/23/21	4/23/21 (unchanged)
Serve objections to rebuttal disclosures; file motions <i>in limine</i> [45 weeks after <i>Markman</i>]	4/30/21	4/30/21 (unchanged)
File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, designations); file oppositions to motions <i>in limine</i>	5/7/21	5/7/21 (unchanged)

[46 weeks after <i>Markman</i>]		
Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i>	5/14/21	5/14/21 (unchanged)
[47 weeks after <i>Markman</i>]		
File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> [3 business days before Final Pretrial Conference]	5/18/21	5/18/21 (unchanged)
Final Pretrial Conference, 9 AM	5/21/21, subject to the Court's availability	5/21/21, subject to the Court's availability
Jury Selection/Trial	6/14/21, subject to the Court's availability	6/14/21, subject to the Court's availability

IT IS ORDERED, on February 4, 2021.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE